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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,641	04/15/2004	Scott C. Olive	273402005400	1431
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MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018				
			EXAMINER FREEMAN, WILLIAM	
			ART UNIT 3709	PAPER NUMBER
DATE MAILED: 11/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,641

Applicant(s)

OLIVE, SCOTT C.

Examiner

William T. Freeman

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/30/04, 9/8/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it uses the word “means” which is a form of legal phraseology and also due to its length of 180 words, which exceeds the 50 to 150 word limit. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

Page 3, Par [0012]: “prize is paid is paid” should be changed to -- prize is paid --.

Appropriate correction is required.

Claim Objections

3. Claims 1, 7, 10, 13, 14, 17, and 20-21 are objected to because of the following informalities:

Claim 1, Line 6: “event gaming machine” should be changed to -- event the gaming machine --.

Claim 1, Line 7: “the player” should be changed to -- a player --.

Claim 1, Line 8: “options which wager” should be changed to -- options in which the wager --.

Claim 7, 13, and 20: These claims should end with a period.

Claim 10, Line 4: “prize is paid is paid” should be changed to -- prize is paid --.

Claim 10, Line 7 and 9: “a prize” should be changed to -- the prize --.

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Claim 10, Line 7: "the player" should be changed to -- a player --.

Claim 14, Line 3: "base game" should be changed to -- underlying game --.

Claim 17, Line 5: "an underlying" should be changed to -- the underlying --.

Claim 17, Line 8 and 10: "a prize" should be changed to -- the prize --.

Claim 17, Line 8: "the player" should be changed to -- a player --.

Claim 21, Line 3: "base game" should be changed to -- underlying game --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-6, 10-11, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Baerlocher et al. (US 6,413,162).

Re Claim 1, 10, and 17: Baerlocher discloses a spinning reel type gaming machine (10a) having a display means (30) and a game control means (38) arranged to control images of symbols carried on reels (34) and displayed on the display means, the gaming machine providing a plurality of pay lines (56a - 56d), and being arranged to play a base game (Col. 4, Lines 40-44) in which at least one random event (Col. 1, Lines 27-31) is caused to be displayed on the display means and, if a predefined winning event

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occurs/combo of symbols on reels (Col. 7, Lines 19-22), the machine awards a prize (Col. 7, Lines 19-22), and wherein on the occurrence of a predetermined triggering event (Col. 6, Lines 36-44) the gaming machine provides at least one bonus feature (Col. 6, Lines 36-44), and wherein the player is constrained to wager a single amount (Col. 4, Lines 60-65) on each play of the base game without choice of other wagering options which wager provides eligibility to all pay lines of the game and eligibility to the at least one bonus feature (Fig. 1A, 2, and 4; Col. 4, Lines 18-26; Col. 5, Lines 8-16; Col. 5, Lines 40-45; Col. 8, Lines 41-51).

Re Claim 2, 5, 11, 15, and 18: Baerlocher discloses a midtrim (as shown in Fig. 1A) on which there is provided only one button (34) which initiates a play of the base game (Fig. 1A; Col. 4, Lines 59-65).

Re Claim 3: Baerlocher discloses that the display means is a video display unit (30) displaying simulations of spinning reels (Col. 5, Lines 22-26).

Re Claim 6 and 16: Baerlocher discloses a "collect"/cash out (26) button is provided on the midtrim (Fig. 1A; Col. 5, Lines 1-2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 7-9, 12-14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al. (US 6,413,162) in view of Vancura (US 6,033,307).

The teachings of Baerlocher ('162) have been discussed above.

Re Claim 4, 12, and 19: Baerlocher fails to disclose that the bonus game contains a progressive prize.

Vancura teaches a bonus game (20) with a progressive jackpot award (Fig. 1; Col. 13, Lines 1-17).

Therefore, in view of Vancura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baerlocher's gaming machine to include a progressive jackpot prize for players who participate in the bonus rounds in order to increase a player's excitement and interest in the gaming machine and its bonus features.

Re Claim 7-9, 13-14, and 20-21: Baerlocher fails to disclose that the bonus game is a series of free games/plays and that the winnings in the bonus rounds are increased compared to the payouts in the underlying game.

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Vancura teaches a bonus game (20) that is played until a losing symbol appears in the bonus game and the bonus game offers multipliers and increased winnings for the player (Fig. 1; Col. 11, Lines 7-10; Col. 13, Lines 66-67; Col. 14, Lines 1-3).

Therefore, in view of Vancura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baerlocher's gaming machine to include a series of free rounds/games offering increased winnings and multipliers in order to increase a player's interest and prolonged gaming activity at the gaming machine.

8. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk et al. (GB 2,083,935) in view of Vancura (US 6,033,307).

Kirk discloses a fruit machine requiring a coin to be played that is microprocessor controlled with a video reel mechanism (Page 2, Lines 19-23) that uses a single game initiating button (5, Fig. 1; Page 2, Line 26) and three pay lines (9, 10, and 11, Fig. 2; Page 2, Lines 38-46) that may award a prize or a further prize. Though the machine does not disclose that the player is able to view more than a single row of gaming indicia at a time it would have been well known in the art at the time the invention was made that the fruit machine could be modified to have a simple 3 x 3, or more, matrix of gaming indicia viewable and that further paylines could be used without increasing the single coin wager required. However, Kirk fails to disclose a bonus game offered by this fruit machine and therefore applying what is well known in the art and the teachings of Vancura, as

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explained above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kirk's fruit machine to include a bonus feature including a series of free games that award a progressive jackpot prize and that the winning combinations are multiples or increased winnings of the underlying game in order to attract more players to the play the gaming machine and therefore increase gaming profits.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baerlocher et al. ('161) disclose a gaming device for producing an award in a bonus game, Glavich et al. disclose a gaming device having different sets of primary and secondary reel symbols, Nagao discloses a slot machine, Okada discloses a slot machine, and Vancura ('289) discloses a gaming machine with bonusing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Freeman whose telephone number is 571-270-1343.

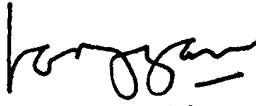
The examiner can normally be reached on Mon thr Thu 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF


KIM NGUYEN
PRIMARY EXAMINER